

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL J. WAPPLER,

Petitioner,

Case Number: 04-CV-72825

v.

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

DOUGLAS VASBINDER,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR LEAVE
TO PROCEED ON APPEAL *IN FORMA PAUPERIS***

Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 30, 2006, the Court issued an Opinion and Order (1) Denying Petition for Writ of Habeas Corpus and (2) Declining to Issue Certificate of Appealability. *See Wappler v. Vasbinder*, No. 04-72825, 2006 WL 3469630 (E.D. Mich. Nov. 30, 2006) (unpublished). Now before the Court is Petitioner's Motion for Leave to Proceed On Appeal *in forma pauperis*. (Docket No. 62). A petitioner may only appeal issues in a habeas corpus petition for which a court has granted a Certificate of Appealability. 28 U.S.C. § 2253(c).

The Court finds Petitioner's motion is moot, since the Court denied Petitioner a Certificate of Appealability on all issues presented in his habeas petition. *Wappler*, 2006 WL 3469630, at *16; *see In re Certificates of Appealability*, 106 F.3d 1306, 1307-08 (6th Cir. 1997). Therefore, the Court **DENIES** Petitioner's Motion for Leave to Proceed On Appeal *in*

forma pauperis.

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: January 24, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on January 24, 2007.

s/Denise Goodine
Case Manager